

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

ERIC J FAULK

CASE NO. 6:18-CV-00830

VERSUS

JUDGE ROBERT G. JAMES

U.S. COMMISSIONER SOCIAL
SECURITY ADMINISTRATION

JUDGMENT

This matter was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the Commissioner's decision is REVERSED, and this matter is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g)¹ with instructions that the Commissioner reevaluate whether the claimant's lumbar spine impairments meet or medically equal the criteria of a listed impairment under Listing 1.04(A); properly consider and weigh the post-hearing medical records in the record; and again evaluate the claimant's residual functional capacity.

Signed this 29th day of July, 2019.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE

¹A fourth sentence remand constitutes a final judgment that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292 (1993); *Freeman v. Shalala*, 2 F.3d 552, 553 (5th Cir. 1993).